Hovsepian v. Apple, Inc. Doc. 174 Att. 6

EXHIBIT 13

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PATENT
Attorney Docket No. 2473.0001-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)		
Paul YURT et al.	)		
Serial No.: 08/133,982	)	Group Art Unit:	~~2603~~ 2614
Filed: October 8, 1993	)	Examiner:	A. Le
For: AUDIO AND VIDEO TRANSMISSION AND RECEIVING SYSTEM	)		

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir:

This is a response to the Office Action mailed on December 30, 1994, the period for response to which is extended through May 30, 1995, by the attached petition for a two-month extension of time along with the appropriate fee.

Please amend the application as follows:

IN THE CLAIMS:

33. (Amended) A transmission system for providing information to be transmitted to remote locations, the transmission system comprising:

a plurality of library means for storing items containing information;

identification encoding means for retrieving the information in the items from the plurality of library means and

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for assigning a unique identification code to the retrieved information;

conversion means, coupled to the identification encoding means, for placing the retrieved information into a predetermined format as formatted data; and

transmitter means, coupled to the conversion means, for [coordinated] transmission of the formatted data to one of the remote locations.

D1

48. (Amended) A digital audio/video communication network comprising:

a local reception system comprising[;]:

means for receiving compressed, digitized data representing at least one item of audio/video information at a non-real time rate,

means for storing a complete copy of the received compressed, digitized data, and

means, responsive to the stored compressed, digitized data, for transmitting a representation of the at least one item of audio/video information at a real-time rate to at least one of a plurality of subscriber receiving stations coupled to the local reception system; and

a converter at the at least one of the subscriber receiving stations for receiving and decompressing the compressed, digitized data representing the at least one item of audio/video [program] information.

D2

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D3

50. (Amended) A digital audio/video communication network as recited in claim 48, further comprising a processing station for formatting items of audio/video information as compressed, digitized data and transmitting the compressed, digitized data representing at least one item of audio/video information at the non-real time rate to the [local distribution system] means for receiving.

D4

53. (Amended) A method as recited in claim 52, further comprising the step of decompressing the compressed, digitized data representing the at least one item of audio/video [program] information after the transmission step.

REMARKS

In the Office Action, the Examiner rejected claims 33, 34, 48-54, and 58 under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent No. 5,133,079); rejected claims 33, 34, 39, 43, and 48-57 under 35 U.S.C. § 112, first paragraph; and rejected claims 48-51, 53, and 54 under 35 U.S.C. § 112, second paragraph. The Examiner allowed claims 35-38, 40-42, and 44-47 and indicated that claims 39, 43, 55-57, and 59-61 were directed to allowable subject matter.

By this amendment, Applicants have amended claims 33, 48, 50, and 53. Applicants respectfully submit that claims 33-61 are all now in condition for allowance.

In response to the Examiner's rejections under 35 U.S.C. § 112, second paragraph, Applicants have amended claims 48, 50,

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and 53. The amendments fully respond to the Examiner's rejections under 35 U.S.C. § 112, second paragraph.

In response to the Examiner's rejection under 35 U.S.C. § 112, first paragraph, Applicants have amended claim 33.

In response to the Examiner's rejection of claim 39 under 35 U.S.C. § 112, first paragraph, applicants note the specification on page 12, lines 3-13. The indicated paragraph discloses copy protection to prevent recording a digital audio and/or video signal stream. As disclosed in the specification as filed, a protected item will not be passed to the compressed data port of a digital recorder for off line storage. Thus, Applicants respectfully submit that the specification does disclose protected data recognizing means and disabling means. The means recognize a protected item, and do not pass the protected item to a digital recorder for offline storage. Thus, claim 39 is fully supported by the specification as filed.

In response to the Examiner's rejection of claims 48 and 52 under 35 U.S.C. § 112, first paragraph, Applicants note that the specification, as filed, discloses transmitting compressed digital information throughout the specification. Applicants respectfully submit that one of ordinary skill in the art understands that transmitted compressed information is not transmitted at a real time rate. Rather, compressed data is transmitted at a rate faster than the real time rate. Thus, claims 48 and 52 are fully supported by the specification as filed.

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The Examiner's rejection of claims 33 and 34 under 35 U.S.C. § 102 as being anticipated by Ballantyne et al. is respectfully traversed.

Ballantyne et al. disclose a method and apparatus for the distribution of movies. As disclosed in column 1, lines 9-12, movies may be selected from a central library and electronically supplied to a customer's home for subsequent viewing at a time determined by the customer. As disclosed in column 2, lines 10-13, movies are distributed to a customer's home from a central or regional library.

Thus, Ballantyne et al. disclose that movies may be distributed from either a central library or a regional library. Ballantyne et al. do not disclose or recognize that movies may be distributed to a single user from both a central library and a regional library. Rather, in the system of Ballantyne at al. a user only receives movies from a single library.

Ballantyne et al., thus, fail to disclose the claimed identification encoding means for retrieving information in items from a plurality of library means and transmitter means for transmission of formatted data from a plurality of libraries to one of a plurality of remote locations.

Ballantyne et al. further fail to even remotely suggest collecting information from a plurality of geographically separated libraries for transmission to a single remote location as recited in claim 34.

Thus, for at least the reasons above, claims 33 and 34 are fully patentable over the disclosure of Ballantyne et al.

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The Examiner's rejection of claims 48-54 and 58 under 35 U.S.C. § 102(e) in view of Ballantyne et al. is respectfully traversed.

Claims 48-54 and 58 recite various parts of a system in which information is sent from a transmission system to a reception system and then to individual users. Such systems are shown, for example, in Figs. 1d, 1e, and 1f of the specification.

Applicants respectfully submit that Ballantyne et al. do not disclose each element of the various combinations recited in claims 48-54 and 58. Rather, Ballantyne et al. disclose a system wherein a single library sends data, through either optical cable or a coaxial cable, directly to a user location. Ballantyne et al. fail to disclose an intervening reception system which, for example, decompresses compressed data and sends the decompressed data to the individual users. Ballantyne et al. fail to disclose, teach, or suggest the combinations recited within claims 48-54 and 58.

Thus, for at least the reasons above, claims 48-54 and 58 are fully patentable over the disclosure of Ballantyne et al.

In view of the above remarks and amendments, Applicants respectfully submit that claims 33-61 are in condition for allowance. Reconsideration of the application and the allowance of all of the pending claims are respectfully requested.

If there are any fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account No. 06-0916. If an extension of time under 37 C.F.R. 1.136 not

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accounted for above is required for the entry of this amendment, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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By: ______________________
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MRK/daf

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